

4/16/19

12:47 p.m.

Chapter No. 69
19/SS36/A710SG
LR 1TB/LR

SENATE BILL NO. 3019

Originated in Senate



Secretary

SENATE BILL NO. 3019

AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE DEPARTMENT OF PUBLIC SAFETY FOR FISCAL YEAR 2020.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following sum of money, or so much thereof as may be necessary, is appropriated out of any money in the State General Fund not otherwise appropriated, to defray the expenses of the Department of Public Safety for the fiscal year beginning July 1, 2019, and ending June 30, 2020 \$ 96,145,158.00.

SECTION 2. The following sum, or so much thereof as may be necessary, is appropriated out of any money in the State Treasury to the credit of the Department of Public Safety for the purpose of defraying the expenses incurred in the operation of the various divisions of the department for the fiscal year beginning July 1, 2019, and ending June 30, 2020 \$ 112,896,442.00.

SECTION 3. Of the funds appropriated under the provisions of Sections 1 and 2, not more than the amounts set forth below shall be expended for the respective major objects or purposes of expenditure and authorized positions:

OFFICE OF MISSISSIPPI HIGHWAY SAFETY PATROL

FUNDING:

General Funds	\$	68,302,455.00
Special Funds		<u>51,900,100.00</u>
Total	\$	120,202,555.00

With the funds appropriated for this budget, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" do not exceed the following amount: \$ 72,487,459.00.

AUTHORIZED POSITIONS:

Permanent:	Full Time	1,116
	Part Time	0
Time-Limited:	Full Time	22
	Part Time	3

OFFICE OF LAW ENFORCEMENT OFFICERS' TRAINING ACADEMY

FUNDING:

General Funds	\$	303,174.00
Special Funds		<u>1,721,078.00</u>
Total	\$	2,024,252.00

With the funds appropriated for this budget, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" do not exceed the following amount: \$ 714,586.00.

AUTHORIZED POSITIONS:

Permanent:	Full Time	16
	Part Time	0
Time-Limited:	Full Time	0
	Part Time	0

OFFICE OF SUPPORT SERVICES

FUNDING:

General Funds	\$	4,274,301.00
Special Funds		<u>4,948,986.00</u>
Total	\$	9,223,287.00

With the funds appropriated for this budget, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" do not exceed the following amount:

	\$	2,902,362.00.
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AUTHORIZED POSITIONS:

Permanent:	Full Time	60
	Part Time	0
Time-Limited:	Full Time	1
	Part Time	0

OFFICE OF FORENSICS LABORATORIES

FUNDING:

General Funds	\$	8,321,507.00
Special Funds		<u>5,119,744.00</u>
Total	\$	13,441,251.00

With the funds appropriated for this budget, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" do not exceed the following amount: \$ 8,986,244.00.

AUTHORIZED POSITIONS:

Permanent:	Full Time	100
	Part Time	0
Time-Limited:	Full Time	14
	Part Time	0

OFFICE OF PUBLIC SAFETY PLANNING

FUNDING:

General Funds	\$ 3,227,613.00
Special Funds	<u>27,280,862.00</u>
Total	\$ 30,508,475.00

With the funds appropriated for this budget, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" do not exceed the following amount: \$ 2,488,829.00.

AUTHORIZED POSITIONS:

Permanent:	Full Time	16
	Part Time	0
Time-Limited:	Full Time	37
	Part Time	0

OFFICE OF HOMELAND SECURITY

FUNDING:

General Funds	\$	116,394.00
Special Funds		<u>18,875,328.00</u>
Total	\$	18,991,722.00

With the funds appropriated for this budget, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" do not exceed the following amount: \$ 1,658,997.00.

AUTHORIZED POSITIONS:

Permanent:	Full Time	9
	Part Time	0
Time-Limited:	Full Time	14
	Part Time	0

BUREAU OF NARCOTICS

FUNDING:

General Funds	\$	11,599,714.00
Special Funds		<u>3,050,344.00</u>
Total	\$	14,650,058.00

With the funds appropriated for this budget, it is the intention of the Legislature that it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" do not exceed the following amount: \$ 10,992,765.00.

AUTHORIZED POSITIONS:

Permanent:	Full Time	184
	Part Time	0
Time-Limited:	Full Time	8
	Part Time	0

With the funds herein appropriated, it shall be the agency's responsibility to make certain that funds required to be appropriated for "Personal Services" for Fiscal Year 2021 do not exceed Fiscal Year 2020 funds appropriated for that purpose, unless programs or positions are added to the agency's Fiscal Year 2020 budget by the Mississippi Legislature. Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this act. It shall be the responsibility of the agency head to ensure that no single personnel action increases this projected annual cost and/or the Fiscal Year 2020 appropriations for "Personal Services" when annualized, with the exception of escalated funds and the award of benchmarks. If, at the time the agency takes any action to change "Personal Services," the State Personnel Board determines that the agency has taken an action which would cause the agency to exceed this projected annual cost or the Fiscal Year 2020 "Personal Services" appropriated level, when annualized, then only those actions which reduce the projected annual cost and/or the appropriation

requirement will be processed by the State Personnel Board until such time as the requirements of this provision are met.

Funds are provided herein for all full-time employees to receive up to a Three Percent (3%) pay increase to the realignment component of the Variable Compensation Plan, excluding head of agencies, board members and commission members.

Any transfers or escalations shall be made in accordance with the terms, conditions and procedures established by law or allowable under the terms set forth within this act. The State Personnel Board shall not escalate positions without written approval from the Department of Finance and Administration. The Department of Finance and Administration shall not provide written approval to escalate any funds for salaries and/or positions without proof of availability of new or additional funds above the appropriated level.

No general funds authorized to be expended herein shall be used to replace federal funds and/or other special funds which are being used for salaries authorized under the provisions of this act and which are withdrawn and no longer available.

None of the funds herein appropriated shall be used in violation of Internal Revenue Service's Publication 15-A relating to the reporting of income paid to contract employees, as interpreted by the Office of the State Auditor.

SECTION 4. The Commissioner of Public Safety may, on a case-by-case basis, within funds available, recommend that

corrective salary adjustments be made to the compensation of employees of the Department of Public Safety where an inequity was created between employees of equivalent capacity by previous application of the agency appropriation acts. Any such corrective salary adjustment plan must have prior approval by the State Personnel Board. Such adjustments will not be retroactive.

Any funds in the Salary, Wages and Fringe Benefits major object of expenditure may be used to purchase accumulated compensatory time within funds available.

SECTION 5. It is the intent of the Legislature that the local governments pay for part of the computer cost of the Mississippi Justice Information Center by maintaining their contribution to the Department of Public Safety.

SECTION 6. It is the intention of the Legislature that the Department of Public Safety designate certain employees to aid the Office of Forensics Laboratories in the billing and collecting of all fees charged for services rendered by the Office of Forensics Laboratories.

SECTION 7. No part of the funds appropriated herein shall be transferred to, expended by, or used, directly or indirectly, for the benefit of any public relations, publicity or publication activities of any other state agency, department or officer, nor shall any personnel paid with funds appropriated herein be transferred or assigned to any other state agency, department or

officer for public relations, publicity, or publication activities of such office.

SECTION 8. It is the intention of the Legislature that the Department of Public Safety shall not issue citations for violations of speed limits on a quota basis. No funds expended under this act shall be used for such quota-based citations for violations of speed limits.

SECTION 9. In compliance with the "Mississippi Performance Budget and Strategic Planning Act of 1994," it is the intent of the Legislature that the funds provided herein shall be utilized in the most efficient and effective manner possible to achieve the intended mission of this agency. Based on the funding authorized, this agency shall make every effort to attain the targeted performance measures provided below:

	FY2020
<u>Performance Measures</u>	<u>Target</u>
Enforcement	
Increased Enforcement - Citations (%)	8.89
Decrease Fatalities (%)	6.67
Increase in DUI Arrests (Includes Felony DUI) (%)	6.67
Criminal Investigations (Actions)	36,300
Highway Fatalities per 100 Million Vehicle Miles of Travel (#)	0.97
Alcohol Impaired Driving Fatalities per	

100,000 Population (#)	2.53
Driving Under the Influence (DUI)	
Arrests per 100,000 Population (#)	151.28
Percentage Increase in Seatbelt / Child	
Restraint Citations (%)	9.26
Driver Services	
Driver's License/ID Cards Issued (Items)	505,608
Cost per License Document Produced (\$)	24.00
Drivers Suspended (Persons)	18,472
Accident Reports Processed (Actions)	1,047
Average Wait Time (Minutes)	35
Number of Complaints (Documented)	65
Percentage Change in Wait Time (%)	-15.00
Percentage Change in Complaints (%)	-11.00
Increase in Regular & Commercial Driver	
Licenses Issued (%)	10.00
Support Services	
Number of Financial Transactions Processed	35,000
Number of Employees Supported	1,165
Forensic Analysis	
Reports issued (Cases)	24,500
Court Testimonies (Cases)	300
Cost per Case Analyzed (\$)	500.00
Cost per Testimony (\$)	500.00
Percentage of days for reports issued	40.00

DNA Analysis

Known Felony Offender Samples in	
Database (Items)	126,000
Proficiency Samples (items)	200
Casework Samples Examined (Items)	11,531
Cost per Sample (\$)	650.00
Maintain the Integrity of the CODIS Database	99.00

Forensic Pathology

Deaths Investigated (Actions)	24,250
Autopsies Performed SME Office (Actions)	1,400
Cost per Autopsy Performed (\$)	1,700.00
% Change in the # of deaths investigated	0.00
% of Coroners Educated by ME's Office	40.00
% Change in the # of autopsies performed	
at SME office	0.00

Training Academy

Basic Students to Graduate (Persons)	320
Basic Refresher Students to Graduate	
(Persons)	70
In-Service & Advanced Students to	
Graduate (Persons)	2,600
Percentage of Law Enforcement Officers	
Trained (%)	100.00

Drug Enforcement

Number of drug suspects arrested	1,575
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Number of drug cases prosecuted	1,450
Number of drug organization disrupted and/or dismantled	12
Percentage change in number of drug suspects arrested	2.00
Percentage change in number of drug cases prosecuted	2.00
Percentage change in number of drug organization disrupted and/or dismantled	2.00
Jail Officer Training	
Jail and Youth Detention Officers Certified	450
Certification Transactions (Actions)	4,750
Number of Administrative Review Actions	30
Percent of Appointed Jail and Youth Detention Officers Obtaining Certification (%)	70.00
Percent of Administrative Review Actions Taken Within One Year (%)	7.00
Law Enforcement Training	
Basic Law Enforcement Officers Certified (Persons)	500
Certification Transactions (Actions)	2,500
Training Quality Monitoring (Actions)	1,000
Percent of Appointed Law Enforcement Officers Obtaining Certification (%)	88.00

Percent of Appointed Part-Time, Reserve, and Auxiliary Officers Obtaining Certification (%)	90.00
Percent of Administrative Disciplinary Actions Taken Within One Year (%)	2.00
Highway Safety	
Number of Federal Applications Funded and Statewide Programs Supported	13
Percentage Decrease in the Number of Unrestrained Passenger Vehicle Occupant Fatalities by 5%	5.00
Percentage Decrease in the Number of Fatalities in Crashes Involving a Driver or Motorcycle Operator with a BAC of .08 and Above	5.00
Justice	
Number of Juvenile Jail/Detention Alternatives Established in Counties (Alternatives)	2
Number of Hot Spots Policing Programs Funded	5
Emerg Telecommunications Tng	
Emergency Telecommunicators Certified (Persons)	475
Certification Transactions (Actions)	1,900
Percent of Appointed Emergency	

Telecommunicators Obtaining Certification	80.00
Percent of Appointed Emergency Telecommunicators Obtaining Recertification (%)	60.00
Percent of Administrative Review Actions Taken Within One Year (%)	4.00
Council On Aging	
Establish Triad Programs (Programs)	3
Conduct Training Programs (Programs)	1
Provide On-Site Training	0
Percentage Change in the Number of Operational Triad Programs	10.00
Percentage Increase in Funding to Counties to Educate Senior Citizens	10.00
Juvenile Facility Monitoring Unit	
Number of Facilities Inspected (Items)	125
Strategic Plans Implemented (Items)	20
Percent of Admin Review Actions Taken Within One Year	80.00
Homeland Security	
OHS Grants for Jurisdictions (Number)	38
First Responder Classes (Number)	92
Percentage increase in Emergency Task Force Responder Training and Exercises	

(%)	2.00
Percentage increase in Citizen and Community Preparedness Training and Exercises (%)	2.00
Percentage increase in Requests for Information (%)	2.00
Percentage increase in National Incident Management Training and Exercises (%)	2.00

A reporting of the degree to which the performance targets set above have been or are being achieved shall be provided in the agency's budget request submitted to the Joint Legislative Budget Committee for Fiscal Year 2021.

SECTION 10. It is the intention of the Legislature that all divisions within the Mississippi Department of Public Safety shall maintain complete accounting and personnel records related to the expenditure of all funds appropriated under this act and that such records shall be in the same format and level of detail as maintained for Fiscal Year 2019. It is further the intention of the Legislature that the agency's budget request for Fiscal Year 2021 shall be submitted to the Joint Legislative Budget Committee in a format and level of detail comparable to the format and level of detail provided during the Fiscal Year 2020 budget request process.

SECTION 11. Of the funds appropriated under the provisions of Section 2, funds may be expended to defray the costs of

clothing for sworn nonuniform law enforcement officers in an amount not to exceed One Thousand Dollars (\$1,000.00) annually per officer.

SECTION 12. It is the intention of the Legislature that whenever two (2) or more bids are received by this agency for the purchase of commodities or equipment, and whenever all things stated in such received bids are equal with respect to price, quality and service, the Mississippi Industries for the Blind shall be given preference. A similar preference shall be given to the Mississippi Industries for the Blind whenever purchases are made without competitive bids.

SECTION 13. The department is authorized to expend available funds on technology or equipment upgrades or replacements when it will generate savings through efficiency or when the savings generated from such upgrades or replacements exceed expenditures thereof.

SECTION 14. Of the funds provided herein, and in addition to the One Hundred Dollars (\$100.00) authorized in Section 45-3-7, Mississippi Code of 1972, Department of Public Safety Officers who are licensed commercial pilots shall receive an additional Nine Hundred Dollars (\$900.00), for a total of One Thousand Dollars (\$1,000.00), additional compensation for such service.

SECTION 15. It is the direction of the Legislature that all Fair Labor Standards Act (FLSA) nonexempt sworn officers of the Mississippi Highway Safety Patrol who are working one hundred

seventy-one (171) hours in a twenty-eight-day work cycle be compensated based on the annual salary established by the State Personnel Board for a one-hundred-sixty-hour per month schedule divided by two thousand eighty-seven and one hundred forty-three one thousandths (2,087.143), for an hourly rate, to be multiplied by two thousand two hundred twenty-three (2,223) or one hundred seventy-one (171) hours in a twenty-eight-day work cycle for a new annual salary. All hours worked over one hundred seventy-one (171) hours in a twenty-eight-day schedule shall be governed by the FLSA or other special compensation plan. All realignments after July 1, 2010, shall be calculated using this formula. This section shall be known as the "David R. Huggins Act."

SECTION 16. Of the funds appropriated in Sections 1 and 2, Four Hundred Ninety-five Thousand One Hundred Ninety Dollars (\$495,190.00) is appropriated out of any funds in the State Treasury to the credit of the Department of Public Safety for the purposes of paying for eleven (11) hours of compensatory time at an hourly rate based on two thousand eighty-seven and one hundred forty-three one thousandths (2,087.143) hours per year for sworn officers who hold the rank of Lieutenant and above. The funds provided in this section to pay for the eleven (11) hours authorized in this section shall be expended only for this purpose.

SECTION 17. It is the intention of the Legislature that the Department of Public Safety shall provide an annual report to the

Mississippi Legislature detailing any elected official or any other person who is not an employee of the Department of Public Safety who was transported in Highway Patrol aircraft during the fiscal year. The report shall be provided to each member of the Mississippi Legislature on or before January 15, 2020.

SECTION 18. The Commissioner of Public Safety shall have the authority to transfer any funds from any division within the Department of Public Safety to any other division of the Department of Public Safety Special Funds, including, but not limited to, Funds 3711, 371C, 371E, 3713, 3714, 3715, 3740, 3741, 3742, 3744, 3747 and 3718, not to exceed Twenty Million Dollars (\$20,000,000.00) collectively during Fiscal Year 2020. However, none of the funds appropriated by this act shall be expended unless the Department of Public Safety provides prior written notification of any transfer of funds provided in this section.

SECTION 19. The Bureau of Narcotics is authorized to expend a sum, not to exceed Five Hundred Thousand Dollars (\$500,000.00) from account No. 3371800000, for purposes of effectuating the provisions of House Bill 812, 2017 Regular Session, Section 1. Expenditures authorized by this section may include, but not be limited to, costs associated with contracting with one or more vendors, contractors or other persons or entities to create, operate and maintain the forfeiture website and to provide continuing support in relation thereto. In the event, an amount less than Five Hundred Thousand (\$500,000.00) is required to

effectuate the purposes of this section, the Bureau is authorized to expend the remainder of such authorized funds for the purchase of commodities, vehicles and/or other equipment necessary in the furtherance of the needs of the Bureau.

SECTION 20. Of the funds appropriated in Section 1, it is the intention of the Legislature that Four Million Three Hundred Forty-six Thousand Eight Hundred Ninety Dollars (\$4,346,890.00) may be allocated for the programs supported from General Fund court assessments as follows:

State Crime Stoppers Fund.....\$	99,003.00.
Adult Driver Training.....\$	75,794.00.
Information Exchange Network Fund.....\$	264,007.00.
Forensics Lab MS - MS Forensics Lab - Implied Consent Law Fund.....\$	404,795.00.
Forensics Lab Forensics Laboratory - DNA Identification Fund.....\$	629,543.00.
Law Enforcement and Firefighters Death Benefits Trust Fund.....\$	191,361.00.
Law Enforcement Standards Training - Law Enforcement Officers Training Fund.....\$	2,306,293.00.
Drug Abuse/Driver's License Reinstatement.\$	13,573.00.
Federal - State Alcohol Program Fund.....\$	160,431.00.
MS Leadership Council on Aging Fund.....\$	202,090.00.

SECTION 21. It is the intention of the Legislature that the Mississippi Bureau of Narcotics, Mississippi Department of Public

Safety, shall have the authority to receive, budget and expend special funds from the Drug Evidence Disposition Funds (3372000000), not to exceed Five Hundred Thousand Dollars (\$500,000.00).

SECTION 22. Of the funds appropriated by this act, and contingent upon the passage of House Bill No 571, 2019 Regular Session, Two Hundred Fifty Thousand Dollars (\$250,000.00) is provided for the duties and operations of a Statewide Human Trafficking Coordinator and a data analyst within the Bureau of Investigation in the Department of Public Safety, who shall coordinate all statewide activities and work with the Department of Child Protection Services for all victims recovered.

SECTION 23. Of the funds appropriated in Section 2, Four Million Five Hundred Thousand Dollars (\$4,500,000.00), or so much thereof, shall be derived out of any money in the State Treasury to the credit of the Capital Expense Fund, as created in Section 27-103-303, Mississippi Code of 1972, and allocated in a manner as determined by the Treasurer's Office. These are provided for the purpose of conducting a Highway Patrol Trooper School.

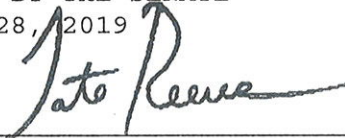
SECTION 24. Of the funds appropriated by this act, it is the intention of the Legislature that Three Million Three Hundred Thousand Dollars (\$3,300,000.00) is provided as an increase over and above the Fiscal Year 2019 appropriation level of funding for the Driver Services Division to provide additional support for the duties and operations of the Commercial Driver's License (CDL) and

other Driver Services operations. Of this amount, One Million Five Hundred Thousand Dollars (\$1,500,000.00) is derived from the Capital Expense Fund.

SECTION 25. The money herein appropriated shall be paid by the State Treasurer out of any money in the State Treasury to the credit of the proper fund or funds as set forth in this act, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers, in the manner provided by law.

SECTION 26. This act shall take effect and be in force from and after July 1, 2019.

PASSED BY THE SENATE
March 28, 2019



PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 27, 2019



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

April 16, 2019

12:47 pm